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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,546	03/16/2004	Simon Charles Simonian	RAR445.02	3728

7590

10/04/2004

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EXAMINER

JONES, DAVID B

ART UNIT PAPER NUMBER

3725

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/802,546

**Applicant(s)**

SIMONIAN, SIMON CHARLES

**Examiner**

David B Jones

**Art Unit**

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,11,12,15,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 10, 13, 14, 16, 17, and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/16/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 depends upon itself and as such fails to further limit a previously set forth claim.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Miner. Miner teaches the claimed invention including: a base plate A, die holder generally at B, a ram F/E, a ram guide generally at O, a forming die at D, a bending ram generally at F/E, stock material at S, and an elongated handle pivotally mounted with respect to the base A and cooperatively engaging the ram F/E. Regarding claim 6, see pins at "d" in Fig. 1; they are considered to be stationary when in use; as for claim 7, the plurality of bores "b" house the pins "d" and allow adjustability. Regarding claims 8 and 9, the bars B are considered to be removably mounted to the base A by pins (not numbered).

3. Claims 1, 2, 5, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ralph et al. Ralph teaches the claimed invention including: a base plate 116, die holder generally at 134, a ram 100, a ram guide (not numbered but seen in Fig. 1, on

Art Unit: 3725

either side of indicating numeral 100), forming dies at 108, a bending ram generally at 102, stock material at 114, and an elongated handle 120 pivotally mounted with respect to the base 116 and cooperatively engaging the ram 100.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralph et al. as treated supra in view of Dawson. Ralph teaches the claimed invention excepting the use of pins and bores as the forming dies. Dawson teaches such structure in a three-point bender at 9 and 10 to be old. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the tool to Ralph a pin and bore arrangement if so desired to provide for infinite and variable bending points to the workpiece, such a provision being an obvious choice of three point tool design.

5. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralph et al. in view of Johnson et al. Ralph et al. teaches the claimed invention excepting the mounting of the base to a mounting apparatus for supporting the base plate while bending is going on. Johnson et al teaches such a mounting generally seen in Fig. 1; it would have been obvious to one of ordinary skill in the art at the time of the invention having the patents to Ralph and Johnson before him to have found it obvious to have mounted the portable tool of Ralph on a support 2 as shown by Johnson so as

Art Unit: 3725

to aid the operator in situating the tool in the best possible ergonomic position, such a provision being an obvious choice of tool mounting expedients known in the art of tools.

6. Claim 21 is allowed.

7. Claims 3, 4, 10, 13, 14, 16, 17, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

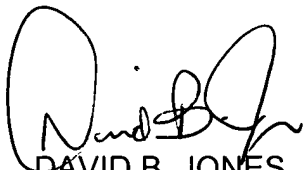
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (703) 308-1887.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant(s) wishes to communicate via Fax, the current central Fax number for the patent office is (703) 872-0906

DBJ

  
DAVID B. JONES  
PRIMARY PATENT EXAMINER  
ART UNIT 3725